

48.140 Surplus expenditure plan.

- (1) The branch budget recommendation submitted by the Governor, the Chief Justice, and the Legislative Research Commission shall include a plan for the expenditure of general or road fund tax receipts up to two and one-half percent (2.5%) in excess of the tax receipts estimates for the funds as determined by subsection (3) of KRS 48.120.
- (2) The plan shall contain provisions for the expenditure of such excess general fund and road fund tax receipts. This plan shall provide for additional moneys for nonrecurring expenditures for which an appropriation was not made in a branch budget bill, or for a program or service authorized by law for which an appropriation was not made or which program was not fully funded. No expenditure shall be recommended for any other purpose.
- (3) In lieu of recommending the expenditure of such sums, the Governor, the Chief Justice, or the Legislative Research Commission, may elect to recommend the return of such sums or any portion thereof to the surplus account of the general fund or road fund for investment until such time as it is appropriated by the General Assembly.
- (4) A plan for the expenditures of such surplus funds shall be enacted as modified by the General Assembly in each branch budget bill.
- (5) In the event of a surplus in tax receipts provided for by this section, the Finance and Administration Cabinet shall notify all branches of government.
- (6) Except as provided in KRS 48.705, any general or road fund receipts in excess of two and one-half percent (2.5%) of the tax revenue estimates determined under subsection (3) of KRS 48.120, or in excess of any appropriation made in a branch budget bill applying such receipts shall not be expended but shall accrue to the surplus account of the general fund or road fund for investment until appropriated by the General Assembly.
- (7) Unless required by the budget reduction provisions in a branch budget bill, no funds shall be transferred from one budget unit to another budget unit.
- (8) Surplus funds in any account, unless a statute requires otherwise, shall lapse to the surplus account of the general fund for investment until appropriated by the General Assembly.
- (9) Funds in the surplus account of the general fund may be used for current expenditures as authorized by the budget reduction provisions of a branch budget bill.

Effective: November 3, 1995

History: Amended 1995 (3d Extra. Sess.) Ky. Acts ch. 2, sec. 3, effective November 3, 1995. -- Amended 1990 Ky. Acts ch. 507, sec. 10, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 273, sec. 6, effective July 15, 1988. -- Created 1982 Ky. Acts ch. 450, sec. 14, effective July 1, 1983.

2006-2008 Budget Reference. See State/Executive Branch Budget, 2006 Ky. Acts ch. 252, Pt. VII, at 1410; and State/Executive Branch Budget Memorandum, 2006 Ky. Acts ch. 257, at 1626 (Final Budget Memorandum, at 79).

2006-2008 Budget Reference. See State/Executive Branch Budget, 2006 Ky. Acts ch. 252, Pt. IX, at 1410; and State/Executive Branch Budget Memorandum, 2006 Ky. Acts ch. 257, at 1630 (Final Budget Memorandum, at 83).

2004-2006 Budget Reference. See State/Executive Branch Budget, 2005 Ky. Acts ch. 173, pt. VII, (1), at 3158; and State/Executive Branch Budget Memorandum, 2005 Ky. Acts ch. 170, at 1644 (Final Budget Memorandum, at 67).

2004-2006 Budget Reference. See State/Executive Branch Budget, 2005 Ky. Acts ch. 173, pt. IX, at 3159; and State/Executive Branch Budget Memorandum, 2005 Ky. Acts ch. 170, at 1648 (Final Budget Memorandum, at 71).